



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/800,884 | 03/15/2004 | Jack K. Zhang | 25896.344/P0123A | 1954 |
| 32137 7590 02/09/2009 PATENT DOCKET CLERK COWAN, LIEBOWITZ & LATMAN, P.C. 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 | | | | |
| EXAMINER | | | | |
| TRAN, CONGVAN | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2617 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 02/09/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,884

Applicant(s)

ZHANG ET AL.

Examiner

CongVan Tran

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Herrod (2003/0181168).

Regarding claim 1, and 5-9, Herrod discloses a terminal with optical reader for locating products in retail establishment, comprising: storing data in a portable device representing locations within the market research (see abstract, fig.5, and portable device 10); inputting transmitter location data in the portable device representing selected locations of the wireless transmitters relative to the research area (see fig.5, portable device 10, wireless transmitters 66s paragraph [0098]); and associating transmitter representative data with respective transmitter location data in the portable device to produce data that maps locations of the wireless transmitters with the associated transmitter representative data, wherein said transmitter representative data

comprises information regarding at least a part of the exposure of the one or more market research participant to one or more commercial items in the market research area (see figs.5-6, portable device 10, wireless transmitters 66s, paragraphs [0098-0100]).

Regarding claim 2, Herrod further discloses the research area comprises an interior of a commercial establishment (see figs.6-8, paragraph [0101]).

Regarding claim 3, Herrod discloses a terminal with optical reader for locating products in retail establishment, comprising: a portable device storing location data representing locations within a research area relevant to the market research (see abstract, fig.5, and portable device 10); and a processor within the portable device operative to associate the location data with data representing respective wireless transmitters positioned at the locations to produce data for mapping the locations of wireless transmitters with the data representing the respective wireless transmitters, wherein the data representing the respective wireless transmitters comprises information regarding at least a part of the exposure of one or more market research participants of one or more commercial items in the market research area (see fig.3, portable device 10, processor 24, figs.5-6, wireless transmitters 66s, one or more commercial items 70/72, paragraphs [0098-0101]).

Regarding claims 4, and 10-12, Herrod further discloses an interactive display coupled with the processor, the processor being operative to control the interactive display to display a layout map representing the research area, the system further comprising a user interface coupled with the processor to input transmitter data

representing a wireless transmitter, the processor being operative to control the interactive display to display transmitter-representative data representing the wireless display on the layout map, the interactive display being operative to receive data representing repositioning of the transmitter-representative data on the layout map by a user and providing the location data, the interactive display being operative to supply the location data to the processor (see fig.3, portable device 10, processor 24, fig.4, display 50, figs.5-6, wireless transmitters 66s, one or more commercial items 70/72, paragraphs [0098-0101]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CongVan Tran/
Primary Examiner, Art Unit 2617